



S T A T E O F N E W M E X I C O

OFFICE OF THE STATE ENGINEER

John R. D'Antonio, Jr. P.E.
State Engineer

**LITIGATION & ADJUDICATION
PROGRAM**

130 South Capitol
Santa Fe, New Mexico 87501

Mailing Address:
P.O. Box 25102
Santa Fe, NM 87504-5102
Telephone: (505) 827-6150
Fax: (505) 827-3887

April 20, 2006

Robert F. Sanchez
P.O. Box 695
Las Vegas, NM 87701

**Re: Adjudication of water rights, Section 7 of the Rio Chama Stream System
 Subfile CHRB-005-0003A and CHRB-005-0003B**

Dear Mr. Sanchez:

I am in receipt of your memorandum dated April 11, 2006 and the form of the Consent Order that you propose in Subfile CHRB-005-0003A. Although in most respects the form of the order that you propose is consistent with the one prepared by the State, I find there are material differences. First, I would point out that the order prepared by the State already includes language recognizing that the Court has reserved for future determination the elements of priority dates and the amount of water (Court Order entered November 19, 2002). I do not understand why you state that you have added language to this effect.

More importantly, you have revised some of the language of the proposed order. The original proposed order includes language in its final paragraph that makes clear that the order is a final determination of the elements of the water rights involved: "The Court enters this Consent Order as a final judgment as to the elements of the Defendant's water rights set forth herein." You have deleted this language. In addition, in paragraph 6, your proposed order makes significant changes to the phrase "except in strict accordance with the water rights described herein." The changes are not acceptable.

I request that you reconsider and approve the original form of the proposed orders that I sent to you. As I have explained, language concerning the later determination of priority dates and the amount of water is already included in the State's proposed order.

Sincerely,

A handwritten signature in black ink that reads "Ed Newville".

Ed Newville
Special Assistance Attorney General